

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Khamsay Xayamonty,

Case No. 23-cv-0726 (WMW/JFD)

Petitioner,

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

v.

Warden Thomas, Mr. Vanhover, BOP and
FCI Sandstone,

Respondents.

This matter is before the Court on the May 12, 2023 Report and Recommendation (R&R) of United States Magistrate Judge John F. Docherty. (Dkt. 7.) Because no objections have been filed, this Court reviews the R&R for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Having reviewed the R&R, the Court finds no clear error.

Based on the R&R and all the files, records and proceedings herein, **IT IS HEREBY ORDERED:**

1. The May 12, 2023 Report and Recommendation, (Dkt. 7), is **ADOPTED**.
2. This matter is **DISMISSED without prejudice**.
3. Petitioner Khamsay Xayamonty's Application to Proceed in District Court Without Prepaying Fees or Costs, (Dkt. 4), is **DENIED** as moot.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: July 27, 2023

s/ Wilhelmina M. Wright

Wilhelmina M. Wright
United States District Judge